

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, October 24, 2012**  
**10 a.m.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: October 11, 2012**

**RE: Closed Session of the Board to be held on October 24, 2012**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), (e) and (f) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

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**DECISIONS OF ADMINISTRATIVE LAW JUDGES:**

*(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)*

1. BARRETT BUSINESS SERVICES, INC. 11-R2D1-2652
2. M1 CONSTRUCTION, INC., 12-R4D1-0222 AND 0223
3. OKOTE PALLETS, INC., 11-R4D3-3311 THROUGH 3314 AND 12-R4D3-0512
4. PERSONNEL PLUS, INC., 11-R3D5-1302
5. ROBINSON PHARMA, INC., 12-R3D1-0057
6. HEU LONG SIONG, 10-R2D5-2593
7. SOUTH COUNTY PACKING, 11-R6D7-2729 AND 2730
8. TRI POWER ENGINEERING, INC., 12-R3D3-0210

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9. UNITED STATES COLD STORAGE OF CALIFORNIA, 11-R2D4-1342

10. VAN EVERY CONSTRUCTION, INC., 11-R1D4-0936 AND 0937

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

1. 99 CENTS ONLY STORE, 11-R3D1-1848 THROUGH 1850

2. ACCOUNTABILITIES STAFFING INC., 12-R2D4-1449

3. ADM CONSTRUCTION CO., INC. DBA ADM PAINTING COMPANY,  
11-R1D3-2348 AND 2349

4. ADVANCED STEEL RECOVERY, INC., 11-R2D2-2961 THROUGH 2968

5. AGUAYO CONTRACTING, INC., 12-R2D5-0310 THROUGH 0312

6. ALLIED WASTE SERVICES IMPERIAL, 11-R3D2-3153

7. ALLIED WASTE SERVICES OF NORTH AMERICA, LLC DBA ALLIED  
WASTE SERVICES OF SANTA CLARA CO., 11-R1D2-0001 AND 0002

8. ANGELICA TEXTILES SERVICES INC., 11-R2D1-2735

9. ARCHITECTURAL PLASTICS, INC., 10-R1D5-3619

10. ARCIERO BROS. INC., 12-R4D1-0581

11. ARMSTRONG INSTALLATION SERVICE DBA ARMSTRONG PAINTING  
ROOFING & WINDOWS, 11-R1D3-2090

12. ASSOCIATED PIPE LINE CONTRACTORS INC., 11-R2D3-2435  
THROUGH 2437

13. AXIS SERVICES INC., 11-R1D3-0728

14. BARBOUR VINEYARDS, LLC., 12-R1D5-0044

15. BARREL TEN QUARTER CIRCLE INC., 11-R1D5-1524 THROUGH 1526

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16. BEST LIFE AND HEALTH INSURANCE CO., 12-R3D1-0314
17. BOURKE CONSTRUCTION INC., 12-R3D1-0950 THROUGH 0952
18. CAPITOL ENTERTAINMENT INC., 12-R2D1-0075
19. CHEVRON NORTH AMERICA EXPLORATION & PRODUCTS CO.,  
12-R6D3-0836
20. CITY OF POMONA POLICE DEPARTMENT, 12-R3D6-0450
21. CLASSIC BABY VEGETABLES, 12-R1D2-2031
22. CONTRACTORS WARDROBE, INC., 12-R4D3-0335 AND 0336
23. COSTCO WHOLESALE CORPORATION, 12-R2D2-0427
24. CRYSTAL CLEAR HOME CORP., 12-R1D5-1344
25. DAN PETERSON EXCAVATING, 11-R2D5-2893
26. DAVIS DEVELOPMENT COMPANY, INC., 11-R3D1-2409
27. DEL REY AVOCADO COMPANY, 11-R3D2-2995 AND 2996
28. DFA OF CALIFORNIA, 12-R2D1-1311
29. DIVE BAR LLC., 11-R2D1-2050 AND 2051
30. EDWARD DUFFY DBA RENOVATTIO CONSTRUCTION,  
11-R1D1-2345 AND 2346
31. EMPLOYERS RESOURCE, 09-R2D1-4049 THROUGH 4051
32. ENVIROPLEX, INC., 12-R2D4-1489
33. FETZER VINEYARDS, 12-R1D5-0152
34. FLATIRON WEST INC., 11-R2D1-0144 AND 0145
35. HANSFORD INDUSTRIES, INC., 11-R1D1-1190
36. HIPPO MARINE SERVICES, INC., DBA HIPPOWRAP CONTAINMENT,  
12-R1D1-1409
37. JACKSON FAMILY WINES, INC., 12-R1D5-0853

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38. JC PENNEY COMPANY, INC. DBA JC PENNEY STYLING SALON  
STORE #2276, 12-R2D1-0357
39. J. MARTIN FARMS, INC., 11-R6D7-2812 AND 2813
40. JP MORGAN CHASE NA, 12-R3D1-0639
41. JRA LANDSCAPE, INC., 11-R2D5-0526
42. LAWNMAN, INC., 12-R2D1-1930
43. MANNING BEEF, LLC., 12-R3D6-0503 AND 0504
44. MICHELS/JAY DEE/COLUCCIO JOINT VENTURE, 11-R5D1-1020
45. MURRAY PLUMBING & HEATING CORPORATION, 12-R4D1-0224 AND 0225
46. NAMASCO CORPORATION, 12-R6D2-1136 THROUGH 1139
47. NORTH STAR MINERALS, INC., 12-R5D2-0795
48. OLMSTED PAINTING, 12-R2D5-0984 AND 0985
49. PADILLA'S CLEANING SERVICE, 11-R2D1-2732 THROUGH 2734
50. PAPER PAK INDUSTRIES, 12-R3D6-0788 AND 0789
51. PENSION ADMINISTRATORS INC., 12-R3D1-0315 THROUGH 0318
52. PPI ENGINEERING, INC., 11-R1D5-2839
53. QUETICO LOGISTICS LLC, 12-R3D3-1724
54. QUETICO LOGISTICS LLC., 12-R3D3-2272 AND 2273
55. RAMIREZ FARM LABOR CONTRACTOR, 12-R4D3-0457
56. RANCHO HARVEST INC., 12-R3D3-2160
57. RAVAND ENTERPRISES, INC., DBA ASSAL PASTRY, 11-R6D2-2946
58. RINCON VALLEY UNION SCHOOL, 10-R1D5-2096
59. SACRAMENTO OCCUPATIONAL MEDICAL, 11-R2D1-2159 THROUGH 2162

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60. SEARS HOLDING CORPORATION, 11-R2D5-0159
61. SILVERADO CONTRACTORS, INC., 11-R2D1-2374 AND 2375
62. SOUTH YUBA CLUB, INC., 12-R2D1-0046
63. SPECIALTY MANUFACTURING, INC., 11-R3D2-2176 THROUGH 2179
64. SPG PACKING INC., 12-R3D3-2367
65. STRATFORD GROWERS, INC., 11-R6D3-2584 THROUGH 2587
66. SUPERIOR READY MIX CONCRETE L.P., 12-R3D2-0058 AND 0059
67. TERRA RESORT GROUP LLC DBA CASA MADRONA HOTEL, 11-R1D5-1334
68. TUTOR-SALIBA CORPORATION, 12-R5D1-0584 AND 0585
69. UC LOS ANGELES MEDICAL CENTER FACILITIES, 12-R4D1-0141 AND 0142
70. UC REGENTS UNIVERSITY OF CALIFORNIA DAVIS, 12-R2D1-2316  
AND 2317
71. VILLA PARK LANDSCAPE, 12-R3D1-0441
72. WEBCOR CONSTRUCTION LP DBA WEBCOR CONCRETE, 11-R1D1-1831
73. WGID ENTERPRISES INC DBA MEADOWROOK APARTMENTS,  
11-R3D2-2851
74. WHEATLAND FARMS LCC., 12-R2D1-0358
75. WOOD WORLD, 11-R2D5-1378 THROUGH 1380
76. ZANKER ROAD RESOURCE MANAGEMENT, LTD., 12-R1D2-1926 AND 1927

**ORDER AFTER REMAND:**

1. RIEZEBOS CONSTRUCTION INC., 08-R2D5-1730

**ORDER DISMISSING APPEAL:**

1. NEW KOOSHAREM CORPORATION DBA SELECT STAFFING, 12-R2D5-0481

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**ORDERS GRANTING LEAVE TO FILE LATE APPEAL:**

1. CB SYSTEMS ROOFING, 12-R3D1-2691
2. CEDAR FAIR LP DBA KNOTT'S BERRY FARM, 12-R3D1-2694
3. MANPOWER GROUP DBA MANPOWER, 12-R3D1-2695

**PETITIONS FOR RECONSIDERATION:**

*(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)*

1. COMMUNITY RECONSTRUCTION SOLUTIONS, INC., 11-R1D1-1484
2. DAVEY TREE SURGERY, CO., 08-R1D2-2706 THROUGH 2078
3. G.A. HIGGINS, INC., 12-R2D2-9109
4. WALGREENS, CO., 11-R1D1-3201

**DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):**

1. AKASH DIRK VON RUEBEN DBA NEW DIMENSIONS, 11-R1D5-2958
2. CLARK PACIFIC PRECAST, LLC, ET AL, 09-R2D1-0283
3. CONSTRUCTION EQUIPMENT COMPANY AKA LT FARMS, 11-R3D2-2278
4. WESTECH INDUSTRIES, INC., 08-R2D3-3717

**MATTERS PENDING RECONSIDERATION:**

*(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters or amends the Order or Decision being reconsidered.)*

1. A-1 PROTECTIVE SERVICES, INC., 10-R1D1-1592
2. ALLIED SALES & DISTRIBUTION, INC., 11-R6D2-0480
3. AC TRANSIT, 08-R1D4-0135

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4. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
5. ARMOUR STEEL CO., INC., 08-R2D1-2649 THROUGH 2655
6. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
7. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239 THROUGH 2241
8. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445 AND 3448
9. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
10. CALIFORNIA ERECTORS, INC., 10-R1D2-2772 THROUGH 2775
11. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
12. C & L BLUE, INC., 11-R4D1-2942
13. C & L BLUE, INC., 11-R4D1-2943 THROUGH 2945
14. CENTRAL VALLEY ENGINEERING & ASPHALT, INC., 08-R2D1 5001 AND 5002
15. CLARK PACIFIC PRECAST, LLC, ET AL, 09-R2D1-0282
16. COFFMAN SPECIALTIES, INC., 10-R3D3-3532
17. COMMERCIAL METAL FORMING, 09-R3D1-1592
18. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
19. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
20. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
21. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
22. DENIO'S ROSEVILLE FARMERS MARKET & AUCTION INC. 11-R2D1-2431
23. DISTRIBUTION CENTER MANAGEMENT GROUP (DCMG), 11-R3D3-2896
24. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS, 09-R6D2-2325 THROUGH 2332

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25. EZ MIX, INC., 08-R4D3-1898
26. GRANITE ROCK COMPANY, 08-R1D3-3675 THROUGH 3687
27. HOME DEPOT, 10-R3D6-3284
28. HYDRO-SCIENCE OPERATIONS INC., 10-R1D2-0389
29. IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272
30. IRWIN INDUSTRIES, 08-R6D4-1454
31. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
32. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
33. LION RAISINS, INC., 08-R2D5-2253 AND 2254
34. MARINE TERMINALS, 08-R6D2-1920
35. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
36. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
37. ORANGE COUNTY FIRE AUTHORITY, 10-R3D1-3667
38. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
39. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
40. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
41. POUK & STEINLE, INC., 09-R3D3-0491
42. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
43. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
44. SDCCD – CONTINUING EDUCATION N C CENTER, 11-R3D2-1196
45. SDUSD – PATRICK HENRY HIGH SCHOOL, 11-R3D2-1296 AND 1297
46. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
47. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025



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48. SMUD, 08-R2D1-4887 THROUGH 4889
49. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414 THROUGH 3418
50. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
51. SUNRISE GROWERES FROZ SUN FOODS, 09-R4D3-2850
52. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
53. A. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 09-R4D5-0459 AND 0460
54. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 10-R5D1-3029

**LEGISLATION:**

**PENDING LITIGATION:**

*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

**SUPERIOR COURT:**

1. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
2. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
3. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
4. WPCS INTERNATIONAL SUI SUN CITY, INC., 34-2010-80000430 (09- 9280/9281)
5. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047 (07-R5D1-3611)
6. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, 34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
7. SMUD, 34-2010-80000723 (08-R2D1-4887)

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8. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
9. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
10. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965 (10-0188~0191)
11. GUILLAUME GRAPEVINE NURSERY, INC., 34-2011-800001010 (08-R2D1-3273)
12. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459 THROUGH 2461)
13. FLATIRON CONSTRUCTION CORP, 34-2012-800001029 (10-R4D1-2789)
14. HOLLANDER HOME FASHION, BS-135444 (10-R4D2-3704)
15. SECA EQUIPMENT REMOVAL & DISMANTLING, INC., 12CV01039 (07-R2D3-0275)
16. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
17. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
18. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
19. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
20. SHERWOOD MECHANICAL, INC., 37-2012-00101466 (08-R3D2-4690 ~ 4693)
21. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
22. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
23. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
24. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
25. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
26. PRESTON PIPELINES, INC., 34-8012-80001277 (09-R6D7-3345)

**PERSONNEL:** *(Issues regarding staff.)*

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Any matter not completed at this Closed Session may be continued to subsequent meetings.